THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1220 OF 2007

DATED 06th MARCH, 2007

BETWEEN:

Kasiboyana Rama Lakshmanna

… Petitioner

AND

The District Panchayat Officer, Kurnool and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1220 OF 2007

ORDER:

The petitioner is resident Bavipalli village. He is allegedly owner of land admeasuring Acs.0.02½ in survey No.615, having purchased from Gram Panchayat under registered sale deed, dated 26.02.2004. He constructed a residential house in the land. By proceedings, dated 28.03.2006, the District Collector suspended the Sarpanch on the ground that the same was done without prior approval. The order of suspension was questioned in W.P.No.10277 of 2006. The same was allowed by this Court on 25.05.2006. It appears some of the villagers also filed O.S.No.127 of 2004 on the file of the Junior Civil Judge, Dhone against Gram Panchayat and the petition for declaration that the sale deed, dated 26.02.2004 in favour of the petitioner is null and void. The suit was dismissed as withdrawn on 18.12.2006. The petitioner alleges that in spite of the same, second respondent is taking steps to demolish the house and the effort of the petitioner to get redressal from the respondents did not yield fruitful results. Therefore, he filed the instant writ petition.

This Court, while directing the learned standing counsel for Gram Panchayat and learned Assistant Government Pleader for Panchayats to get instructions, adjourned the matter on 21.03.2006. In spite of the same, they are not able to get instructions. Be that as it is, the petitioner has enclosed a certified copy of the sale deed executed by Sarpanch in favour of the petitioner and the plaint filed in O.S.No.127 of 2004 on the file of Junior Civil Judge, Dhone. From this, a reasonable inference can be drawn that unless and until the civil Court passes a decree declaring the sale deed in favour of the petitioner as null and void, he has right to continue in possession. Gram Panchayat cannot initiate any action without issuing any notice to the petitioner and without following due process of law. This observation would be sufficient redressal for the present. If there is any threat of dispossession by villagers, the petitioner herein, who is arrayed as second defendant in O.S.No.127 of 2004 can as well approach the civil Court and obtain an injunction.

The writ petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO,J)

06.03.2007.

pln